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By Cliff Brawn

H.B. No. 1420

A BILL TO BE ENTITLED

AN ACT

relating to allocations of water authorized by the Texas Water Rights Commission for the maintenance of the bays and estuaries; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. AUTHORITY TO MAKE ALLOCATION. After study, notice, and hearing, the Texas Water Rights Commission may allocate from the unappropriated storm and flood waters of the state quantities of water which it considers necessary and in the public interest to maintain the bays and estuaries in satisfactory condition.

Sec. 2. STUDY, NOTICE, AND HEARING. Before the commission allocates any water under this Act, it shall make a careful study of the area to which the water is to be allocated and shall give notice and hold a public hearing at which persons who might be affected by the allocation may appear and testify.

Sec. 3. REVALUATION. (a) After the commission has made an allocation under this Act, if it determines that the allocation is more or less than sufficient or that conditions have changed to such an extent that revaluation is necessary, the commission shall reevaluate the allocation and change or revoke it in the manner provided for making the original allocation.

(b) Any person who is adversely affected by an allocation made under this Act may submit a written request to the commission for revaluation and if the commission in considering the request determines that the person making the request is being adversely affected, it shall reevaluate the allocation in the manner provided for making the original allocation.

Sec. 4. APPEAL. Any person adversely affected by an allocation made by the commission, after exhausting all remedies provided in this Act, may appeal to a district court in Travis County.

Sec. 5. RULES AND REGULATIONS. The commission shall make rules and regulations which are necessary to carry out the provisions of this Act.

Sec. 6. PROTECTION OF PRIOR APPROPRIATIONS AND VESTED RIGHTS. The commission may not make any allocation under this Act which will interfere with or adversely affect prior appropriations or vested rights.

Sec. 7. COOPERATION AND ASSISTANCE. The Texas Water Development Board, the Texas Water Quality Board, and the Texas Parks and Wildlife Department shall assist and cooperate with the commission to carry out the provisions of this Act.

Sec. 8. EMERGENCY. The importance of this legislation and the crowded condition of the calendars in both houses create an

1 emergency and an imperative public necessity that the Constitu-
2 tional Rule requiring bills to be read on three several days in
3 each house be suspended, and this Rule is hereby suspended, and
4 that this Act take effect and be in force from and after its pas-
5 sage, and it is so enacted.
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H.B. No. 1420

By Clayton
Brad

A BILL TO BE ENTITLED

AN ACT

relating to allocations of water authorized by the Texas Water
Rights Commission for the maintenance of the bays and estuaries;
and declaring an emergency.

FILED

MAR 11 1971

READ 1st TIME
AND REFERRED TO COMMITTEE ON

Conservation & Reclamation

MAR 24 1971

1420